

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	MICHAEL E. KELLY and	:	CHAPTER 13
	LORI ANDRADE-KELLY	:	
	Debtors	:	
		:	
	JACK N. ZAHAROPOULOS	:	
	STANDING CHAPTER 13 TRUSTEE	:	
	Movant	:	
		:	
	vs.	:	
		:	
	MICHAEL E. KELLY and	:	
	LORI ANDRADE-KELLY	:	
	Respondents	:	CASE NO. 5-23-bk-00079

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 27th day of February, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Failure to properly state the minimum amount to be paid to unsecured creditors in Section 1A of the plan, as required by the Mean Test – should be \$140,613.00.

2. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

a. The plan is underfunded relative to claims to be paid.

3. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:

a. Clarification of vesting of property. Because non-exempt equity exists, the plan should provide for vesting at closing. Accordingly, the plan violates § 1325(a)(4). Should vest at closing due to non-exempt equity.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Douglas R. Roeder
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 7th day of March, 2023, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Leah Stump, Esquire
3115 North Front Street
Harrisburg, PA 17110

/s/Deborah A. DePalma
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee